

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL EDWARD DURAN,  
Plaintiff,  
v.  
LONGORIA,  
Defendant.

Case No. 1:20-cv-00289-HBK

ORDER FINDING MOOT PLAINTIFF'S  
MOTION FOR EXTENSION OF TIME  
AND DEEMING MOTION FOR  
RECONSIDERATION AS FILED UNDER  
RULE 59

(Doc. Nos. 89, 90)

On April 7, 2025, Plaintiff Paul Edward Duran, a state prisoner, filed a motion for extension of time to file a motion for reconsideration. (Doc. No. 89). The next day, Plaintiff filed a motion for reconsideration, seeking reconsideration of the Court's March 19, 2025 Order granting summary judgment to Defendant. (Doc. No. 90).

Plaintiff does not indicate whether he seeks reconsideration under Federal Rule of Civil Procedure 59 or Rule 60. A Rule 59 motion must be filed within twenty-eight (28) days of judgment. Fed. R. Civ. P. 59(b). However, a Rule 60 motion must be filed within a "reasonable time" after entry of the challenged judgment or order, and if brought under certain grounds,<sup>1</sup> it must be filed no later than a year after the challenged judgment or order. Fed. R. Civ. P. 60(c)(1). Here, Plaintiff's motion for reconsideration was filed within twenty-eight days of the March 19, 2025 Order. Thus, the Court deems the motion as filed under Rule 59 and finds that Plaintiff's

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<sup>1</sup> See Fed. R. Civ. P. 60(b)(1), (2), and (3).

1 request for an extension is unnecessary.<sup>2</sup>

2 Accordingly, it is **ORDERED:**

- 3 1. Plaintiff's motion for an extension of time, filed on April 7, 2025 (Doc. No. 89), is moot.
- 4 2. Pursuant to the Court's Local Rules, any response from Defendant to the Rule 59 motion
- 5 (Doc. No. 90) is due no later than April 29, 2025. Local Rule 230(l). Plaintiff's reply, if
- 6 any, is due within fourteen (14) days after Defendant files a response. Local Rule 230(l).

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8 Dated: April 10, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE

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27 <sup>2</sup> Additionally, as the Court noted in its April 7, 2025

Order denying Plaintiff's previous request for an extension, "the Court may not extend a party's time to act under Federal Rule of Civil Procedure 59(e)." (Doc. 88 at 1 (citing Fed. R. Civ. P. 6(b)(2); *Harman v. Harper*, 7 F.3d 1455, 1458 (9th Cir. 1993)).